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## BOOK REVIEWS

THE DEFENSOR PACIS OF MARSIGLIO OF PADUA. A Critical Study. By Ephraim Emerton. Harvard Theological Studies, No. VIII. Cambridge: Harvard University Press. 1920. Pp. ii, 81.

It is fortunate that we owe to Dr. Emerton this timely treatise on a valuable subject, never before adequately treated. Not only to a large number of Harvard men, but also to the scholarly public, Dr. Emerton, by his lectures and books, has proved himself the interpreter of the Mediæval period of European history.

In many respects the little book here paraphrased and interpreted is one of the most remarkable literary products of the Middle Ages, and is a political classic. Only partial translations of it have appeared in English, although one of them was made very significantly by the order of Henry VIII in the course of his struggle with the Papacy. There are very few studies of it accessible to the English reader. The author, Marsiglio, although not a member of any of the learned orders, either Franciscan or Dominican, was a physician in priest's orders, and for several years Rector of the University of Paris, at the time of, and probably in intimate relations with, William of Ockham, the great English Franciscan whose Nominalistic philosophy was the last product of Scholastic Dialectic and had much in common with Marsiglio's political theories. Both of these great scholars gave their services to the Emperor Louis IV in his struggle with his rival, Frederick of Austria, and with the Pope, John XXII, in the first half of the fourteenth century.

The most noteworthy features of the book are: first, the author's complete overthrow of the papal claims of supremacy ("coercive jurisdiction") over State as well as Church, whether based on Scripture, on reason, or on history; second: the laying down clearly, irrefutably, and with wonderful prophetic genius, the real source of human authority and power, the basis of all true government—the people—thus anticipating ecclesiastical and political conclusions by many centuries.

"The real Lawgiver," [he declares] "that is, the primary and essential and efficient source of Law, is the people:

that is, the whole body of citizens, or a majority of them, acting of their own free choice, openly declared in a general assembly of the citizens, and prescribing some things to be done or not done in regard to civil affairs, under penalty of temporal punishment''. [It makes no difference] "whether the whole body of citizens, or its majority, acts of itself immediately, or entrusts the matter to one or more persons to act for it. Such person or persons are not and cannot be the Lawgiver in the strict sense, but only for a specific purpose and at a given time and on the authority of the primary Lawgiver."

This is a clear and sound statement of the fundamental principles of true democracy as maintained, even if not perfectly realized, to-day, and it was put forth in 1324!

In details, however, Marsiglio shows himself still under the sway of Aristotle and mediæval conditions, for he defines a citizen as "one who has a share in the government of the civil community, either in an executive or in a judicial capacity according to his degree", excluding boys, slaves, foreigners and women.

"In making laws, wise men, expert in the law, should be chosen in the general assembly of the citizens and entrusted with the framing of bills, which should then be submitted to the citizens, in convention, for amendment or rejection. Then, after a general hearing and consideration, again men are to be chosen who, as representatives of the authority of the body of citizens, should approve or reject the proposed bills, in whole or in part, or this may be done, if they so choose, by the body of the citizens themselves, or the majority of them. After this approval the bills become laws, and are to be so designated, but not before. The ruler must govern according to the laws, but he must be of such quality that he can supplement them by what the jurists call 'equity'. To enforce the law the ruler should have a sufficient armed force, but this should not be allowed him until after his election."

By reason of his medical training, Marsiglio is fond of analogies between the physical life and the life of the State. He never forgets that the State is a living organism with its directing force and its executive members. It might have been expected that, with his doctrine of the sovereignty of the people, Marsiglio would have been an advocate of a purely democratic form of

government. Such, however, is not the case. A limited monarchy rests upon the consent of the people. As a matter of fact, he does not declare himself theoretically in favor of any one type of government. Only the practically best under all circumstances is to be expected, but it is the limited monarchy which is assumed in all his later treatment of the subject; naturally, when writing in defence of the emperor. He favors also an elected ruler rather than a hereditary one, for similar reasons.

In the concluding chapter of the first part the author defends and explains his choice of a title—the Protector, or Advocate or Maintainer of Peace. The object of the government is to secure peace, which is the orderly working of all parts of the State, according to the nature and purpose of each. It consists in the free interchange of the activities of the citizens, their mutual aid as against any hindrance from outside, and in the participation of all in the advantages of their common life, each in his own degree. The opposite of all this is discord.

Now comes in the Church as the disturbing element, thus requiring a new adjustment of powers. It is this cause which, by hindering the activities of its ruler, has deprived and still deprives the 'Italian Kingdom' of peace and its blessings, filling it with every sort of misery and injustice. To this subject Marsiglio accordingly addresses himself.

He considers first the change of theory as to the origin and development of the papal powers. The original basis of the papal claim was the historical development. Then came the first Christian emperor, Constantine, and "a certain grant which some say was made by Constantine to Sylvester" (Bishop of Rome in the time of Constantine). This grant, the so-called 'Donation of Constantine', is now generally recognized as a forgery of the eighth century, but at that time was regarded as genuine; of which Dante a few years earlier had said:—

"Ah, Constantine! of how much ill was mother  
Not thy conversion, but that marriage dower  
Which the first wealthy Father took from thee."

Marsiglio, as we have seen, refers to it as of doubtful authority, and turns it against the popes by drawing from it the conclusion that even the ecclesiastical supremacy of the papacy rested on

an imperial grant, and therefore was merely human and invalid. Even at the best, the grant was not sufficiently explicit and authoritative, therefore the popes at a later period based their coercive jurisdiction over the whole world (the cause of all the trouble) upon another title, namely, the plenitude of power, which, they assert, was granted by Christ to St. Peter and his successors in the Roman See as Vicars of Christ. In other words, the Roman claim has been transferred from the historical basis to a theoretical one. The course of history changes, but a theory, if it can be maintained as a divine ordinance, does not change. In this lay the obvious advantage of the Roman position, and here has been the most difficult point for its opponents to overcome. For, as Christ had plenitude of power over all, so those who call themselves the Vicars of Christ gradually worm themselves into others' rights, especially those of the empire, until they claim temporal coercive jurisdiction over all subjects of the empire, in Germany as well as in Italy. This is the cause of the existing discord which prevents the emperor from exercising his power to keep the peace, and hence all wise and powerful men should unite to check these usurpations.

Marsiglio then proceeds to break down the whole papal theory. We need not follow the reasoning, which uses or anticipates all the anti-papal arguments with telling effect. One or two of the points collateral with his political positions in the first part may, however, be noted. The Church, he states, consists not of the clergy alone, as the papal theory (based on the Forged Decretals) maintains, but of all those who belong to it,—the whole body of believers. The unit of Christian fellowship is the individual Christian. Not the order, the class, the official college determines the status of the individual; it is the body of individuals that gives sanction to every one of its organs. It is this emphasis upon the right and standing of the individual Christian that runs like a golden thread through the whole fabric of Marsiglio's demonstration. This distinction between 'temporal' and 'spiritual', he declares, is not a distinction between persons but between things and their uses. He discusses very thoroughly the Petrine legend and dismisses it for what it is worth. "Never with all the resources of modern scholarship has anything es-

sential been added", says Dr. Emerton, "to the chain of evidence which has shown the weakness of the Petrine claim as the basis of papal supremacy." In all his argument, however, Marsiglio clearly indicates that so far as the Roman bishopric represents an ancient and honorable tradition of sound doctrine and correct practice, he is ready to admit its claim to the reverence, and, within limits, even to the obedience of Christendom. He will not admit any such basis of divine appointment as entitles Rome to any coercive jurisdiction over other bishoprics or over civil powers.

In conclusion, let us briefly turn our attention to the constructive part of his argument. "Where", as Dr. Emerton asks, "are we to look for such authoritative interpretation of Christian faith and practice as shall secure the Church against those errors and schisms which Marsiglio recognizes as fatal to the essential unity of Christendom?" His answer was the first proclamation in the century-long campaign which was to result in the great series of General Councils for reformation in head and members. As Marsiglio's doctrine of the people as the source of law penetrated more deeply and more widely into the consciousness of thinking men, the feeling that this same principle must be extended to the Church as well as to the State grew more intense until it culminated in an irresistible demonstration. Elaborate provisions are made for these General Councils: attendance obligatory, laymen to participate, reform of the electoral system of the Bishop of Rome and of other bishops. After a severe arraignment of the Roman Curia he proposes the remedy—a General Council, which should forbid even the use of the term plenitude of power by the Roman bishop or by anyone else. The supreme authority is the Bible:—

"I will accept opinions in harmony with the canon of Scripture, and reject those which are discordant therewith, but never without the support of Scripture, on which I shall always rely."

"Marsiglio of Padua", concludes Dr. Emerton, "is the prophet of that new world of thought and action, to which in default of a better word we give the name of 'modern'. It is the world in which the right of a man to think as he must and to asso-

ciate himself with others who think, on the whole, as he does, is the dominating principle of social organization."

CHARLES L. WELLS.

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THE CALL TO UNITY. The Bedell Lectures for 1919. By William T. Manning, S. T. D., D. C. L., New York: The Macmillan Company. 1921. Pp. 119, with appendix.

Significant of the times is the appearance of this thoughtful and stimulating volume by the Bishop-elect of New York, as presenting in a semi-official manner the mature mind of the Episcopal Church in America, and, indeed, throughout the world (witness the authoritative documents quoted in the appendix) towards the disquieting problem of Christendom to-day,—the problem of unity. While the author speaks only for himself, nevertheless it is impossible to forget that he is a member of the Commission on Faith and Order, and may be assumed to voice the general mind of that official body appointed by the General Convention; moreover, Dr. Manning has won for himself international leadership in the discussions and approaches with spokesmen of other communions, a fact which gives to his careful utterances a somewhat representative character.

Here is a volume, then, which invites attention and arouses interest. The sympathetic reader will not be disappointed. The dispassionate analysis of the situation confronting a divided and suspicious Christendom is sufficiently appalling to sober and chasten the minds of all who are thus vividly confronted with the facts, and to create that judicious and sympathetic temper which is the prerequisite to any solution of the thorny problem,—a temper which the statesmanlike author not only urges but admirably exhibits and commends.

The problem is stated in the first lecture in general terms, as brought to the front by the great modern urge toward fellowship, the Will to Unity, a movement which has ceased to be a sentiment only and has become a compelling vision, a conviction of conscience generating great moral enthusiasm. The lurid light of a world aflame with war has revealed a situation to most of us unsuspected; not so much the bitterness as the wastefulness, the needlessness and impotence of a divided Christianity, inca-